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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,536	04/25/2001	Todd A. Newville	09651-014001	7416
26161	7590	06/11/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			RAMPURIA, SHARAD K	
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/843,536	NEWVILLE, TODD A.
	Examiner	Art Unit
	Sharad Rampuria	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2 and 6-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

In view of the Appeal Brief Filed on 01/22/2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Disposition of the claims

II. The current office-action is in response to the Appeal Brief Filed on 01/22/2007.

Accordingly, Claims 3-5 are cancelled and Claims 1-2, 6-20 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orlen et al.** [US 5579535] in view of **Wynblatt et al.** [US 6219696].

As per claim 1, Orlen teaches:

A communication system (Abstract) comprising:

A stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A local server (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with said transceiver, said local server being configured to respond to entry of a mobile processing-system present within said information portal (Col.5; 11-28) and

Orlen doesn't teach specifically, to provide to said mobile processing systems data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. However, **Wynblatt** teaches in an analogous art, that to provide to said mobile processing systems data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. (e.g. suggest the gas station at the appropriate distance to the user; Col.5; 9-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Orlen** including to provide to said mobile processing systems data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal in order to informing the targeted information to the user at an appropriate distance. (Col.2; 4-8)

As per claim 7, Orlen teaches:

The communication system of claim 1, wherein said stationary transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver. (col.3; 3-6)

As per claim 8, Orlen teaches:

The communication system of claim 1, wherein said stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle (Col.9; 3-37).

As per claim 9, Orlen teaches:

The communication system of claim 1, wherein said local server and said stationary transceiver are in communication across a local area network. (Col.5; 11-28)

As per claim 10, Orlen teaches:

The communication system of claim 1, wherein said local server and said stationary transceiver are in wireless communication across a local area network. (Col.5; 11-28)

As per claim 11, Orlen teaches:

The communication system of claim 1, further comprising a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network. (Col.3; 66-Col.4; 26)

As per claim 12, Orlen teaches:

The communication system of claim 11, wherein said local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system. (Inherent; 40; Fig.1, Col.3; 66-Col.4; 26)

As per claim 13, Orlen teaches:

The communication system of claim 11, wherein said wide area network comprises a global computer network. (Inherent; 40; Fig.1, Col.3; 66-Col.4; 26)

As per claim 14, Orlen teaches:

The communication system of claim 11, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to collect selected information. (Col.9; 3-37)

As per claim 15, Orlen teaches:

The communication system of claim 14, wherein said fulfillment server is configured to provide said selected information to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (Col.3; 13-34)

As per claim 16, Orlen teaches:

The communication system of claim 14, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to detect an occurrence of a condition. (Col.5; 30-49)

As per claims 17-18, Orlen teaches:

The communication system of claim 16, wherein said fulfillment server is configured to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (Col.5; 30-49)

As per claim 19, Orlen teaches:

A communication system (Abstract) comprising:

A plurality of stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A server system (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with each of said stationary receivers, said server system having a link to a global computer (40; Fig.1, 302; Fig.4, 512; Fig.6) network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system, in response to entry of said mobile processing system into an information portal, (Col.5; 11-28, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1)

Orlen doesn't teach specifically, data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. However, **Wynblatt** teaches in an analogous art, that data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. (e.g. suggest the gas station at the appropriate distance to the user; Col.5; 9-33)

IV. **Claim 20** is the method claim corresponding to system claim 19, and rejected under the same rational set forth in connection with the rejection of claim 19, above.

Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orlen et al.** [US 5579535] in view of **Sirag et al.** [US 6109396].

As per claim 2, Orlen teaches:

A communication system (Abstract) comprising:

A stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A local server (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with said transceiver, said local server being configured to identify and respond to a mobile processing-system present within said information portal (Col.5; 11-28) and to perform a function on the basis of the identity of said mobile processing-system. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1)

Orlen doesn't teach specifically, said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building. However, **Sirag** teaches in an analogous art that said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building. (e.g. controlling elevator to stop at certain level; Col.2; 35-50, Col.5; 8-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Orlen** including said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building in order to entering elevator calls transmitted by electromagnetic radiation between the elevators and a portable device borne by a user, while the user is some distance from the elevator, completing the stop for the call only if the call is verified by the user being in the immediate proximity of the elevator, and entering a car call only if the user enters the cab. (Col.1; 50-67)

As per claim 6, Orlen teaches:

The communication system of claim 2, further comprising an access control unit in communication with said local server, said access control unit being controlled by said local server on the basis of the identity of said mobile processing-system. (Col.3; 13-34)

Response to Amendments & Remarks

V. Applicant's arguments with respect to claims 1-2, 6-20 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov

/Sharad Rampuria/
Patent Examiner
Art Unit 2617